

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NEWPORT NEWS DIVISION**

JOHN M. PITMAN, III)
and)
PENINSULA PLASTIC SURGERY CENTER, LTD) Civil Action No.:
Plaintiffs,) 4:16-cv-00179-HCM-DEM
v.)
XCENTRIC VENTURES, LLC)
and)
EDWARD MAGEDSON)
and)
DARREN M. MEADE)
and)
TRACEY A. RICHTER)
and)
ANNA RICHTER)
and)
BERT PITMAN (a/k/a BERT RICHTER))
Defendants.)

MOTION TO STRIKE AFFIDAVIT OF EDWARD MAGEDSON

Plaintiffs, John M. Pitman and Peninsula Plastic Surgery Center, LTD. (collectively the "Plaintiffs"), by counsel, move to strike the Affidavit of Edward Magedson which was filed with Defendant Xcentric Ventures, LLC's Notice of Removal. The reasons for Plaintiffs Motion to Strike are stated more fully in the accompanying memorandum in support.

WHEREFORE, Plaintiffs, John M. Pitman and Peninsula Plastic Surgery Center, LTD., respectfully request that the Court grant their Motion to Strike and enter an Order:

1. Striking and disregarding the affidavit signed by Edward Magedson;
2. Striking and disregarding any portions of Xcentric Ventures, LLC's Notice of Removal in which they refer to or rely on the affidavit signed by Edward Magedson; and
3. Granting the Plaintiffs any other and further relief as the Court deems necessary and appropriate.

Respectfully submitted,

JOHN M. PITMAN, III, and
PENINSULA PLASTIC SURGERY
CENTER, LTD

By: /s/ Aaron Balla Houchens
Of Counsel

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Counsel for Plaintiffs John M. Pitman, III and Peninsula Plastic Surgery Center, LTD.

CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of December, 2016, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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Counsel for Defendant Xcentric Ventures, LLC

And I hereby certify that I will mail the document by U.S. mail to the following non-filing users:

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Counsel for Defendants Anna Richter and Bert Pitman

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Defendant, Pro Se

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